

**Arizona State Board for Charter Schools**

March 14, 2005

Executive Tower

1700 West Washington Street

Phoenix, Arizona 85007

Basement Room 56

**MINUTES**

**Members Present-**

Kurt Davis – President

Mary Gifford – Superintendent's Designee

Lynne Adams – Public Member

Harvey Honyouti – Public Member

David Hume-Business Member

Jose Gabriel Loyola – Public Member

Linda Parson-Business Member

Onnie Shekerjian- Public Member

Magdalena Verdugo-Charter School Operator

Representative Ted Carpenter - Advisory

**Members Absent**

Kimberly Mosher– Vice President

Senator Linda Aguirre - Advisory

Senator John Huppenthal - Advisory

Meeting began at 9:02 AM

**Agenda Item A: Pledge of Allegiance**

**Agenda Item B: Moment of Silence**

**Agenda Item C: Roll Call:** Traci Sawyer-Sinkbeil called the roll and confirmed a quorum. Lynne Adams arrived at 9:05am and Onnie Shekerjian arrived at 9:07am

**Agenda Item D: Call to the Public**

Mark Vite of The Geo Group stated the company has filed a judgement against Dove Learning, Inc. in the amount of \$15,169.00 for services. A request had been made by the school to pay in lump sum but the school keeps extending the deadline.

**Agenda Item E: Consent Agenda**

**1. Academy of Tucson**—Request for an exception to USFRCS.

**2. PACE Preparatory Academy**—Change in grade levels served from 9-12 to 6-12 beginning in school year 2005-2006.

**MOTION**

Motion by Lynne Adams to accept the Consent Agenda.  
Motion seconded by Mary Gifford.

**Motion passes unanimously**

**Agenda Item F: Superintendent's Report**

Superintendent's Designee Mary Gifford reported that Superintendent Horne's charter school policy group continues to meet on a quarterly basis. Additionally, Ms. Gifford reported that the Superintendent recently formed a group of school district and charter school leaders who will hold their first meeting this week.

## **Agenda Item G: Executive Director's Report**

1. Status of schools with previous and/or on-going board actions: 4-Winds Academy, Academy of Hope, Aprender Tucson, Arizona Montessori Charter School, Aztlan Academy, Cesar Chavez Middle School, Inc., Crown Charter School, Dove Learning, Inc., Ecotech Academy of Science & Agriculture, Gan Yaladeem, Horizon's Challenge Charter School, Kachina Country Day, Little Singer, Mingus Mountain Estate Residential Center, Omega Alpha Academy, Inc., Progressive Junior High School, Inc., Progressive Leadership Academy, Rolling Hills Charter School.

Kristen Jordison reviewed the actions report with the Board. Kristen noted that pages 1-6 describe a motion that the Board made at the last meeting to bring forward all the schools that had failed to submit their FY 2004 audit for possible action to issue a notice of intent to revoke. After the February meeting Kristen advised all of the school's of this request and staff conducted a compliance check to determine if there were other issues of concern. Since the last meeting 3 schools have submitted their audits (4 Winds, Crown, & Gan Yaladeem) the remaining schools are listed for possible action later on the agenda and staff will review each case with the board prior to their determination.

Kristen notes that the new deadlines for the Administrative Law Judge's decision on Academy of Hope and Rolling Hills revocations. Kristen noted that the revocation notice for Dove would be sent today and the hearing has been scheduled for July 14<sup>th</sup>.

Finally, Kristen noted that Kachina has submitted their annual certification that they have complied with Open Meeting Law.

2. Information on up-coming workshops for new charter schools and prospective applicants.

Kristen stated each Spring the Board conducts a 2 day New Operator Workshop. This year the workshop has been scheduled for March 22<sup>nd</sup> and 29<sup>th</sup>. Kristen extended welcome to the Board to attend all or any portion of the workshop. The agenda is well rounded and includes experts from a variety of agencies that we partner with to insure that these agencies not only understand charter schools but that the schools understand their responsibilities. The Board was given copies of the agenda for review.

Each new charter operator was given preference in registering for this workshop and most have done so. The workshop is now opened up, first come first serve,

to other new administrators that may benefit from this training.

The 2006-2007 Charter School Application is now posted on our website and staff have scheduled Prospective Applicant workshops for the following dates: March 31, April 22, May 10, and May 31.

### 3. Status of FY 2004 Audit follow-up letters

Kristen noted that staff has completed the review of 267 audits according to the Board's follow-up matrix. Based upon the review staff have sent out 30 great letters, 191 letters that require no additional action, and 49 letters that require a corrective action plan.

### 4. Reminder that the April meeting and study session will be in Tucson.

The April 11<sup>th</sup> Meeting will be held in Tucson. Following the 11<sup>th</sup> meeting the Board will arrange to have a reception for all charter schools. April 12<sup>th</sup> the Board will hold a retreat.

### **Agenda Item H: Legislative Update—Mary Gifford & Michele Diamond**

Mary Gifford, chairman of the Legislative sub-committee, stated that a decision has been made to focus legislative efforts on the Board's budget and the Board's funding request for an accountability database. Therefore, the decision was made to have the Board's application fees bill held in committee. She also stated the charter operators have found it helpful to have the board's bill tracker accessible at the website. They are appreciative.

Michele Diamond, Director of Government & Financial affairs briefed the board on new legislation. **HB 2079** This bill does many things but one of the things pertinent to charter schools is that it establishes a 19 member Transfer Articulation Commission under the Board of Regents and one of the members would be a charter owner or operator. This commission is charged with, among other things, monitoring and examining the statewide articulation and transfer system and making recommendations to improve it.

Michele further reviewed the following bills and answered questions from the Board:

### **SB 1122 Schools; medications; civil immunity-**

**HB 2429 Charter Schools; application fees** –Would have allowed charter schools sponsors to charge an application fee to fund the technical review panel

### **MOTION**

Motion by Mary Gifford to support HB 2079 and to request an amendment the bill to have 2 charter operators-1 urban/suburban and 1 rural charter operator on the Transfer Articulation Commission under the Board of Regents. Motion seconded by Onnie Shekerjian.

**Motion passes unanimously**

activities. There was a strategic decision made to have it held in committee due to concerns expressed by the association about the bill and to focus our efforts on the budgetary issue of a database.

**HB 2438 Charter school sponsors; fees** –requires a sponsor of a charter school to not charge a fee unless the fee represents the full value of services being provided. It also requires, upon request, that the sponsor charging a fee demonstrate the value of those services to the ASBCS. It has passed the House and is now in the senate. This is the Superintendent's bill and he has agreed, at the Board's request, to an amendment in the Senate that would take the ASBCS out of the bill as the Board does not have any jurisdiction over other sponsors and there is a question about the amount of resources it might involve

**HB 2574 Charter schools; sponsorship; colleges; universities** –This is the Association's bill re: additional sponsors. At last meeting this bill was in transition as there had been a drafting error with the original version. The new version makes the bill identical to last year's and would allow universities and colleges to sponsor a charter schools. It was further amended in committee to prohibit the sponsor of a charter schools from owning, operating or administering a c/s unless the sponsor is a school district. It was also amended on the floor to, among other things, clarify that only non-profit universities and colleges could sponsor a charter schools and the Auditor General (OAG) will review the application process that sponsors use. Staff has worked with Representative Yarbrough on the language of this amendment to ensure that any sponsor already subject to the sunset review process would not also be subject to the OAG application review.

Board Advisory Member Representative Ted Carpenter updated the Board on the status of the current legislative session and the continuing work on the state's budget.

#### **Agenda Item I: Action Items:**

1. The Board will receive information to determine whether evidence exists that the following school is in breach of one or more provisions of its charter contract, federal, state, or local laws for failure to submit the 45 day items as part of the specific regulations for Part B, Individuals with Disabilities Education Act and A.R.S. 15-183.E.7

##### **a. Casa Blanca Middle School**

Kristen noted that a Staff Investigation and Report summary was included in the packet and answered questions from the Board.

#### **MOTION**

Motion by Mary Gifford to withhold 10% of the monthly state equalization for Casa **Blanca Middle School** for failure to submit the 45-day items as part of the specific regulations for Part B, Individuals with Disabilities Education Act and A.R.S. 15-183.E.7. Motion seconded by Lynne Adams .

#### **Motion passes**

**(8 ayes, 1 recused (Parson))**

Marilyn Doherty, the consultant for Casa Blanca from the Exceptional Student Services at the ADE, provided clarification on the status of the school in relation to special education and answered questions from the Board.

Tom Jennings, Superintendent of Casa Blanca Middle School, answered questions from the Board.

2. The Board will receive information to determine whether evidence exists that the following schools are in breach of one or more provisions of their charter contract, federal, state, or local laws by failing to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies.

- a. East Valley Youth & Family Support Centers, Inc. dba JWJ Academy
- b. EQ Scholar's, Inc. dba Scholar's Academy
- c. Mingus Mountain Estate Residential Center
- d. Pathways Charter School
- e. Shonto Governing Board of Education, Inc. dba Shonto Preparatory Technology High School

Kristen described for the Board the purpose of the fall 2004 AIMS test and the stepwise process that was used to confirm whether the schools were out of compliance with testing policy. The process was done in conjunction with the ADE. A letter was sent to each school detailing the mandatory testing obligations, consequences and a request for information about the students enrollment during the fall testing window.

Kristen noted that a Staff Investigation and Report summary was included for each school in the packet and answered questions from the Board. None of the schools had a know history of testing violations.

b. Steve McClenning, charter representative for **E.Q. Scholars**, answered questions from the Board. Mr. McClenning provided the Board with a letter that was distributed.

#### **MOTION**

Motion by Mary Gifford to withhold 10% of the monthly state equalization for **E.Q. Scholars** and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies. Motion seconded by Lynne Adams .

**Motion passes  
(8 ayes, 1 abstained (Honyouti))**

d. Kathleen McCabe, acting director for **Pathways Charter School** answered questions from the Board

#### **MOTION**

Motion by Lynne Adams to withhold 10% of the monthly state equalization for **Pathways Charter School** and request a corrective action plan for failure to properly administer the

AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies. Motion seconded by Mary Gifford.

**Motion fails**

**(2 ayes, Adams, Davis)**

**(6 nays, Gifford, Hume, Loyola, Parson, Shekerjian, Verdugo)**

**(1 abstained, Honyouti)**

**MOTION**

Motion by Onnie Shekerjian to Issue a Notice of Intent to Revoke for **Pathways Charter School** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies: to include an order in the Notice of Intent to Revoke to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Motion seconded by Mary Gifford.

**Motion passes**

**(5 ayes Gifford, Hume, Loyola, Shekerjian, Verdugo)**

**(3 nays Adams, Parson, Davis)**

**(1 abstain, Honyouti)**

c. Lissa Tilouis, acting director for **Mingus Mountain Estate Residential Center** answered questions from the Board

**MOTION**

Motion by Lynne Adams to Issue a Notice of Intent to Revoke for **Mingus Mountain Estate Residential Center** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies: to include an order in the Notice of Intent to Revoke to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Motion seconded by Jose Gabriel Loyola.

**Motion passes**

**(6 ayes Gifford, Adams, Hume, Loyola, Shekerjian, Verdugo)**

**(2 nays, Parson, Davis)**

**(1 abstain, Honyouti)**

a. No representative from **East Valley Youth & Family Support Centers, Inc. dba JWJ Academy** was available to answer questions from the Board

#### **MOTION**

Motion by Lynne Adams to Issue a Notice of Intent to Revoke for **East Valley Youth & Family Support Centers, Inc. dba JWJ Academy** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies: to include an order in the Notice of Intent to Revoke to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Motion seconded by Jose Gabriel Loyola.

#### **Motion passes**

**(6 ayes Gifford, Adams, Hume, Loyola, Shekerjian, Verdugo)**  
**(2 nays, Parson, Davis)**  
**(1 abstain, Honyouti)**

e. Barbara Fitzgerald, Department and Curriculum Chair for **Shonto Governing Board of Education, Inc. dba Shonto Preparatory Technology High School** answered questions from the Board

#### **MOTION**

Motion by Onnie Shekerjian to Issue a Notice of Intent to Revoke for **Shonto Governing Board of Education, Inc. dba Shonto Preparatory Technology High School** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies: to include an order in the Notice of Intent to Revoke to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Motion seconded by Jose Gabriel Loyola.

#### **Motion passes**

**(6 ayes Gifford, Adams, Hume, Loyola, Shekerjian, Verdugo)**  
**(2 nays, Parson, Davis)**  
**(1 abstain, Honyouti)**

#### **Board break from 11:05am to 11:15am**

3. The Board will receive information to determine whether evidence exists that the following school is in breach of one or more provisions of its charter contract, federal, state, or local laws regarding their failure to

submit the annual financial audit in accordance with A.R.S. 15-183.E.6.

**No action taken**

a. Arizona Montessori Charter School

The Board discussed this matter and requested that if the audit has not been submitted by June, consistent with the Board's policy to consider additional disciplinary action if a school has failed to come back into compliance within 6 months of 10% withholding, that the matter be returned for additional disciplinary action.

4. The Board will receive information to determine whether evidence exists that the following schools are in breach of one or more provisions of their charter contract, federal, state, or local laws regarding one or more of the following areas: failure to submit the annual financial audit in accordance with A.R.S. 15-183.E.6, non-compliance with specific regulations for Part B, Individuals with Disabilities Education Act and A.R.S. 15-183.E.7, failure to demonstrate and provide a comprehensive curriculum aligned to the State Academic Standards, failure to submit grants management reports for receipt of federal and/or state funds, failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies, failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4, and failure to timely submit an annual report to the Arizona Corporation Commission.

**No action taken**

- a. Aprender Tucson – Failure to timely submit the FY 2004 audit. Non-compliance with federal and state laws with respect to special education. Failure to maintain compliance with FY 2005 Title I, Title II, and Title V Part A Grants.

Kristen stated that Aprender Tucson had returned to compliance in the areas of special education and grants. The school still has failed to submit the annual financial audit. The Board discussed this matter and requested that if the audit has not been submitted by June, consistent with the Board's policy to consider additional disciplinary action if a school has failed to come back into compliance within 6 months of 10% withholding, that the matter be returned for additional disciplinary action.

- b. **Aztlan Academy** – Failure to timely submit the FY 2004 audit. Failure to demonstrate and provide a comprehensive curriculum aligned to the State Academic Standards. Non-compliance with federal and state laws with respect to special education. Failure to properly administer the AIMS fall re-test. Failure to submit the 2004

**MOTION**

Motion by Lynne Adams to Issue a Notice of Intent to Revoke for **Aztlan Academy** failure to provide a comprehensive program of instruction aligned the State Academic Standards, failure to properly administer the AIMS fall re-test, failure to timely submit the 2004 audit, failure to timely submit the 2004 IDEA completion report, and failure to timely submit the



IDEA Completion Report and failure to maintain compliance with 2004 Title II Part D.

Kristen gave an overview of Aztlan Academy. She stated the school has submitted their: annual financial audit for FY 2004, special education reports, the 2004 IDEA Completion Report and 2004 Title II Part D.

Kristen noted that a Staff Investigation and Report summary was included in the packet and answered questions from the Board.

No representative from **Aztlan Academy** was available to answer questions from the Board

- c. **Cesar Chavez Middle School** -- Failure to timely submit the FY 2004 audit. Non-compliance with federal and state laws with respect to special education. Failure to demonstrate and provide a comprehensive curriculum aligned to the State Academic Standards. Failure to timely submit an annual report to the Arizona Corporation Commission

Kristen gave an overview of Cesar Chavez Middle School. She stated the school has submitted their: annual financial audit for FY 2004, special education reports, the 2004 IDEA Completion Report, and the annual report to the Corporation Commission.

Kristen noted that a Staff Investigation and Report summary was included in the packet and answered questions from the Board.

No representative from **Cesar Chavez Middle School** was available to answer questions from the Board

- d. **Ecotech Academy of Science and Agriculture** - Failure to timely submit the FY 2004 audit. Failure to properly administer the AIMS fall re-test.

completion reports for 2004 Title II Part D grant. The Notice shall an order to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Also, withhold 10% of the monthly state equalization and request a corrective action plan for failure to properly administer the AIMS fall re-test and failure to demonstrate and provide a comprehensive curriculum aligned to the State Academic Standards. Motion seconded by Mary Gifford.

**Motion passes**

**(7 ayes)**

**(1 recused, Verdugo)**

**(1 abstained, Honyouti)**

#### **MOTION**

Motion by Lynne Adams to Issue a Notice of Intent to Revoke for **Cesar Chavez Middle School** for failure to provide a comprehensive program of instruction aligned the State Academic Standards, failure to timely submit the 2004 audit, failure to timely submit the 2004 IDEA completion report, and failure to timely submit the annual report the Arizona Corporation Commission. The Notice shall include an order to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Also, withhold 10% of the monthly state equalization and request a corrective action plan for failure to demonstrate and provide a comprehensive curriculum aligned to the State Academic Standards. Motion seconded by Mary Gifford.

**Motion passes**

**(7 ayes)**

**(1 recused, Verdugo)**

**(1 abstained, Honyouti)**

#### **MOTION**

Motion by Lynne Adams to continue withholding 10% of the monthly state equalization for **Ecotech Academy of Science and Agriculture** and request a corrective action plan for failure to properly administer the AIMS fall re-test as required by A.R.S. 15-183.E.4, the charter contract, and applicable Department of Education testing policies. Motion seconded by Mary Gifford.

**Motion passes  
(8 ayes)  
(1 abstained, Honyouti)**

- e. **Progressive Junior High School**—Failure to timely submit the FY 2004 audit. Failure to submit an annual report to the Arizona Corporation Commission. Failure to submit completion reports for 2004 Title I, 2004 Title II, & 2004 Title V Part A Grants. Failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4
- f. **Progressive Leadership Academy**—Failure to timely submit the FY 2004 audit. Failure to submit completion reports for 2004 Title I, 2004 Title II, & 2004 Title V Part A Grants. Failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4

Kristen provided a brief overview for the Board

Lloyd Ransom, charter representative for **Progressive Leadership** and Roland Pierce, Principal of **Progressive Leadership & Progressive Junior High School** answered questions from the Board

#### **Agenda Item J: Board Comments**

Linda Parson stated for the record she recused herself from Casa Blanca instead of abstained..

#### **Agenda Item K: Approval of Minutes**

February 14, 2005  
February 23, 2005

#### **MOTION**

Motion by Mary Gifford to Issue a Notice of Intent to Revoke for **Progressive Junior High School** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to timely submit the FY 2004 audit, failure to submit an annual report to the Arizona Corporation Commission, failure to submit completion reports for 2004 Title I, 2004 Title II, & 2004 Title V Part A Grants, and failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4 **and Progressive Leadership Academy** and withhold 10% of the monthly state equalization and request a corrective action plan for failure to timely submit the FY 2004 audit, failure to submit completion reports for 2004 Title I, 2004 Title II, & 2004 Title V Part A Grants, failure to properly fingerprint staff in accordance with A.R.S. 15-183.C.4: to include an order in the Notice of Intent to Revoke to require that within 48 hours of receipt of the Notice of Intent to Revoke the Charter, the school shall, in writing, notify all staff and parents of students enrolled in the school(s) of the Notice of Intent to Revoke. The school will provide a copy of the writing to the Board. Also the school shall provide the Board with the names and mailing addresses of parents and guardians of all students enrolled in the school(s) at the time the Notice of Intent to Revoke was received. Motion seconded by Lynne Adams .

**Motion passes  
(7 ayes)  
(1 recused, Parson)  
(1 abstained, Honyouti)**

#### **MOTION**

Motion by Lynne Adams to approve the minutes of February 14, 2005. Motion seconded by Mary Gifford.

**Motion passes unanimously**

#### **MOTION**

Motion by Lynne Adams to approve the minutes of February 23, 2005. Motion seconded by Mary Gifford.

**Motion passes  
(7 ayes)  
(2 abstained, Loyola, Shekerjian)**

**Agenda Item L: Adjournment**

**MOTION**

Motion by Mary Gifford to approve the minutes of January 10, 2005. Motion seconded by David Hume.

**Motion passes unanimously**

The meeting adjourned at approximately 12:09pm.

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Signature

Date